

The Brockton Conservation held a meeting in the GAR Room, City Hall, Brockton on Thursday, May 13, 2010 at 7:00 PM. Members present: Vice-Chairperson Scott Ford, Greg Enos, , Anthony DiLallo, Timothy Reilly and James Bosco. Also present were secretary Pamela Gurley and Marta and Henry Nover, Nover-Armstrong Associates (NAA)

### **1. Request for Extension**

DPW Engineering Department

Extension to Order of Conditions 118-583 – River Cleaning

Tabled to May 27, 2010 in order to allow for a representative of the DPW to appear.

### **2. Request for Determination**

Address: 300 Manley Street

Applicant: Bernardi Auto

Representative: Construction Management & Builders

Withdrawn by the applicant as the issue of demolition was addressed by their subsequent NOI.

### **3. Notice of Intent**

Address: 300 Manley Street

Applicant: Bernardi Auto

Representative: Metro West Engineering

Brian Nelson, Metro West

Scott Nelson, Metro West

Jim Carney, Bernardi Auto

Amy Rossi, Bernardi Auto

Shawn Fahey

Jim Carney of Bernardi Auto introduced himself to the Commission and stated that they currently own four dealerships (Natick, Boston, and Framingham). He said they are proposing two new dealerships in Brockton at the Manley St. address that will bring 200 jobs to the City.

Brian Nelson said that the site is 19.82 acres; the existing one story warehouse is a 4.7 acre building; the eastern edge of site is wooded; a stream comes in from the NE and discharges across the street in a SW direction; there is a drainage ditch in front of property along Manley St. and there are currently no stormwater controls in place on the property. He said there are no problems with the existing drain lines in W Chestnut. He said that the stream is filled with debris and they are proposing a restoration plan for the stream.

Mr. Nelson said the proposal is for two auto dealerships on the site; a 27,000 SF building in the NW section of the property for a Honda dealership and a 40,234 SF Hundi dealership. He said the parking areas are surrounding the buildings. Vehicle display

areas are around Manley and West Chestnut Streets. The existing impervious area is 8.42 acres and they are proposing a 1.7% increase to a new total of 10.4 acres of impervious area. The existing sewer and water will be upgraded and they are proposing a pre-cast concrete bridge over corner for new exit/entrance in the NW corner.

Mr. Nelson said the proposals to the stormwater management system are as follows: the addition of a small infiltration system; a larger infiltration system at corner of Manley/W. Chestnut; the system will handle a 25yr storm and the majority of a 100 year storm. Overall runoff off on the site is 10% less. They have added deep sump catch basins and storm scepter units. The Manley Street pavement line is being pulled back approximately 6 feet; at the corner of Manley/W Chestnut SW the pavement was increased; and they are reducing the amount of pavement in the 25 ft. no touch by 5,000 SF. He said they also took a look at the stream and their botanist put together a stream restoration plan to enhance stream bed. There will be erosion control in place from demolition through construction and a secondary erosion control barrier for demolition. They intend to use the foundation as "moat" to keep demo inside. There are six check dams proposed along Manley and one at the limits of the lawn area by the corner. The concrete from the building and slab will be crushed and used to fill the foundation on site.

The NAA 5/13/10 letter was entered into the record.

Mr. Reilly asked about the maintenance of SW system and was told there would be once or twice yearly inspections. He asked about snow removal and was told that there are areas in the back. Mr. Carney said that in a sizeable storm snow will be trucked off site.

Mr. Ford asked if there were any hazardous materials that may affect the stream (during demolition). Mr. Nover said he does not remember any information on proposed dewatering of the demo materials but will add additional language to any order of conditions. Ms. Nover said there is always a potential for dust although it will be wetted down. Mr. Ford asked about the storage of waste oil as part of service and was told it is stored internally and there are grease and oil traps for each dealership. Ms. Nover asked if a hazardous material survey was done. Shawn Fahey (contractor) said that the survey has been done and there is a small amount of asbestos (bct flooring mastic has small amount of asbestos) and the roof has a small amount of asbestos - 99% of demo material will stay on the building slab. Mr. Fahey said that they expect about 15 loads a day off debris will be going off site; the only material to be processed on site is the slab. The materials will be separated and removed off site. Mr. Reilly asked if they anticipated any dewatering; Mr. Fahey said the time of year they expect to do the site work they will be able to take advantage of the dry season.

Ms. Nover said they need to revise the NOI to qualify and quantify the proposed alterations. She said that the Chair would like to see more low impact development.

Mary Waldron, Director of Economic Development B21 said that the company has been working with the city and has been listening what they have been told.

Continued to May 27, 2010 at the request of the applicant.

#### **4. Request for Determination**

Address: 15 Vinedale Road  
Applicant: Larry Leonard  
Representative: Larry Leonard

Withdrawn by the applicant.

#### **5. Request for Determination**

Address: 522 West Chestnut Street  
Applicant: Jessica Mutascio  
Representative: Jessica Mutascio

Jessica Mutascio said that she runs a child care center out of her home. She said she has a 300 foot driveway narrow drive. She said she wants to add gravel to two existing lawn areas to allow for the parents to park and turn around while pickling up and dropping off their children. Ms. Mutascio said that her clients already park on the lawn.

Mr. Ford said they would like to see set dimensions. Mr. DiLallo asked how many cars are there and was told there is a staff of six; there are approximately 30 cars per day in and out. Mr. DiLallo asked if there will be any additional impact and Mr. Nover said there would not. Mr. Ford said he would like to restrict the gravel to a certain amount of sq. footage. The Commission discussed the possibility of two 20x70 area with the condition that the driveway cannot be widened and that any excess grass and soil should be removed off site. Mr. DiLallo asked about oil from the cars and Ms. Nover said you would be able to see a spill better on the gravel.

Mr. Enos said he would like to see smaller areas each with a small turning area. He suggested two gravel areas as follows: 50x20 and 60x20. The Commission and the applicant agreed.

Motion was made (Enos), properly seconded (Bosco) and unanimously passed to issue a negative determination with the following conditions: Gravel parking areas are to be sized as follows: 50'x20' and 60'x20'; a retaining strip or barrier is to be build along the back of the gravel areas; excess grass and soil is to be removed off site; the paving contractor will be allowed to repair the driveway edges where necessary but there is to be no further increase (length or width) of the driveway.

#### **6. Notice of Intent**

Address: Lot 3 (45) Pearl Way  
Applicant: Cotsweld Builders  
Representative: Todd Pilling, Pilling Engineering

Mr. Pilling said that the project is a single family home. There is no buyer for the home as of yet. They sent the botanist back out to reflag the area.

The 5/3/10 NAA letter was entered into the record. Ms. Nover gave the Commission a history of the site.

Ms. Nover said that the Army Corp. requires regular reports and asked if the reports were submitted. Mr. Pilling said they submitted reports to them yearly. Mr. Ford asked for copies of the reports and all correspondence.

Mr. Pilling said that they need to revise the plan, that this is a conceptual plan only. The house will be a minimum of 2,000 SF.

Ms. Nover asked how they will determine how much of the land is *land subject to flooding* and Mr. Pilling said by observed evidence of flooding (per the regs). Ms. Nover said that it looks like the culvert is restricting the water. Mr. Pilling said that the pipe backs up. Ms. Nover asked that they flag where they believe limits of flooding were as soon as possible so that she can look at it. Mr. Enos asked about the time frame for reflagging and was told the botanist was there already. Mr. DiLallo asked how many houses and was told a total of 9 lots (two are completed and two under construction).

The abutters around the subdivision spoke to say that their water issues/flooding has become worse since the road and homes were built. An abutter said that the drainage pipe at 13 Sunset (city pipe?) may be plugged. Another noted that the berm filled only half way during these storms.

Continued to 5/27/10 at the request of Todd Pilling.

## **7. Notice of Intent**

Address: Lot 10 (28 Pearl Way)

Applicant: Cotsweld Builders

Representative: Todd Pilling, Pilling Engineering

The NAA report dated 5/3/10 was entered into the record.

Ms. Nover said that they need to reflag this site.

Mr. Pilling said that they have no buyer for this property either. He said they need to establish the 25' buffer and revised the plans. He said he was not aware of any flooding above the wetland line.

The following abutters spoke about their flooding:

183 Pearl – Willy Wilson said his property flooded; he said his neighbor to the right had water also.

Property owner at 203 Pearl said that there was flooding in the back of his yard (lots 9 and 10 abut his back yard).

Property owner at 197 Pearl stated that his yard flooded. The flooding was 300' back from Pearl and 300' up from Sunset.

Mr. Ford asked Mr. Pilling who was responsible for the maintenance to the basin and stormwater management system. Mr. Pilling said there is a homeowners association and that the association is responsible for the basin and also the OM plan. Mr. Ford asked for copies of the agreement outlining the responsibilities of the association.

Continued to 5/27/10 at the request of Todd Pilling.

## **8. Notice of Intent**

Address: 899 Belmont Street

Applicant: Saad, Inc.

Representative: Gallagher Engineering

Continued to 5/27/10 at the request of Gallagher Engineering.

### **Other Business**

Discussion – Assembly of God Church Property (Torrey Street)

Developer – Mark Roukas

Bruce Malcolm (LSI)

Mark Roukas said that he has a purchase and sales agreement on the 18 acre parcel owned by the Assembly of God Church (the old JCC Center). He said the only access to the property is through a gravel path easement through Stone Farm Conservation land and explained that he would like to build four homes on the site (one would be his). He said it is his understanding that they need Conservation approval, City Council approval and approval from the Legislature. Mr. Malcolm said in order to gain access to the proposed house lots they would need to construct a road. The road would solely be on City of Brockton/Conservation land.

The Commission expressed concern with the number of homes proposed and with the implications of expanding the easement through dedicated conservation land. The Commissions informed Mr. Roukas that its consideration of this project relies heavily on the specifics of the project, such as the number, size and location of the homes, the amount of proposed alteration and the projects total scope being compatible with the recreational and conservation purpose of both the land to be utilized for access and the adjacent Stone Farm conservation area. With that said, the Commission agreed that they would be willing to speak with him again, and suggested that they come back to them when they have something more concrete to show them. Mr. Roukas was told that the members would like him to address what the benefit to City and the Commission would be if the Commission was to take the step of greatly expanding an access easement over a portion of the City's limited conservation land. Mr. Enos said that he would not be in favor of accepting any excess "landlocked" land from the developer that would give the developer a tax break and may become a burden to the City.

Mr. Ford said that the Commission at this time is not stating that they are in favor or opposed to the project just that there is not enough information at this time. Mr. Malcolm thanked the members again for their time.

### **Green Mountain Pipeline**

Mr. Nover said that the members had a copy of the May 7, 2010 regarding the change to the work at several sites under the order. He said that in his opinion that the work can be done under the existing order but that it was ultimately up to the Commission. After a brief discussion the members agreed to allow the work to be handled under the existing order.

The members agreed to send the Bridge St. property owner a letter regarding the clearing of trees within the BZ on their property and on City property.

A motion was properly made seconded and unanimously passed to accept the minutes of the April 22, 2010 meeting.